

REMARKS/ARGUMENTS

The final office action of September 6, 2007, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. This response is being filed concurrent with the filing of a Request for Continued Examination. Claims 45-50 have been amended to place the claims in a more preferred form. Claims 51-52 have been added. Claims 16-22, 26-32, 35-37, and 41-52 remain pending.

The drawings stand objected to under 37 CFR 1.83(a). Specifically the Action states that the claims' means and components of claims 45-50 must be shown or the features canceled from the claims. Applicant respectfully traverses. Applicant notes that Figure 3 illustrates a diagram of a base station receiver architecture. As shown in original Figure 3, a receiver 60 includes an RF section 80 for demodulating the received signals into the I, Q parts. Applicant describes an illustrative manner for a component, such as the RF section 80 in Figure 3, to decode an initial portion of a control unit and to decode an initial portion of a data unit at an assumed one of a plurality of spreading factors. For example, the paragraph starting at page 10, line 17 of Applicant's original specification, in conjunction with Figure 4, illustrates an example for decoding that may be implemented by the RF section 80 component of receiver 60. As an illustrative example with respect to claim 45, the first and second components may be within RF section 80, the third component may be within power estimator unit 75, and the fourth component may be within baseband processing unit 65. Similar components and means as recited in claims independent claims 47 and 48 may be illustrative performed by the above noted components in Figure 3. Applicant respectfully disagrees that that the claim language is not adequately illustrated in the Figures and corresponding original specification. Withdrawal of the objection is respectfully traversed.

Claims 45-50 stand objected to because of formalities. Specifically, the Action indicates that the originally filed specification does not describe the means or components to decode specific portions of the control and data information. (Action, p. 4). Again, Applicant notes that Figures 3 and 4 in conjunction with the originally filed specification illustrate components and

the manner for decoding as recited in Applicant's claims 45-50 as noted above. Withdrawal of the present rejection is respectfully requested.

Claims 16-22, 26-32, 35-37, and 41-48 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dahlman et al. (U.S. Pat. No. 6,222,875, hereinafter referred to as *Dahlman*). Applicant respectfully traverses.

Applicant's independent claim 41 recites, among other features, "making an estimate of the spreading factor used to transmit the data unit, using the calculated received power of the decoded initial portion of the control unit and the calculated received power of the decoded initial portion of the data unit." Such a feature is not taught or suggested in *Dahlman*. In fact, *Dahlman* is not concerned with the estimation of a spreading factor.

On page 5 of the Office Action, the Action states, "[o]nce the PCCH is demodulated and decoded, the PCCH provides a PDCH spreading factor to the PDCH demodulator (figure 1). The decoding takes place using this spreading factor estimate." However, there is no support provided in *Dahlman* for such a statement. In fact, estimation of anything in *Dahlman* is only described once. In col. 6, lines 7-10, *Dahlman* states that partially despread signals are first integrated at blocks 68 and 70 and then modified based upon the channel estimates at blocks 72 and 74. Whether with respect to this portion or any other portion, *Dahlman* is silent with respect to estimation of a spreading factor. Indeed, as the method described in *Dahlman* indicates that the spreading factor used in the receiver is known (col. 3, ll. 66-67), there would therefore be no need, having read *Dahlman*, to develop a method which involves making an estimate of the spreading factor used to transmit a data unit, as required by Applicant's claim 41.

In the Response to Applicant's previous Arguments, the Action states that,

Dahlman discloses despreads a PCCH using a spreading factor. The despreads of the control channel will recover a spreading factor for the PDCH. This spreading factor is provided to the PDCH demodulator. This spreading factor is the spreading factor estimate. (Action, p. 2).

Without agreeing to the conclusion drawn, even assuming that *Dahlman* describes what is recited above, Applicant's claim 41 is not anticipated by *Dahlman*. Applicant's claim 41 recites, "making an estimate of the spreading factor used to transmit the data unit, using the calculated received power of the decoded initial portion of the control unit and the calculated received

power of the decoded initial portion of the data unit” (emphasis added). As expressly stated in the Action with respect to operation, the “spreading factor estimate” apparently correlates to Applicant’s “an estimating of the spreading factor.” However, the *Dahlman* “spreading factor estimate” is not made based upon the calculated received power of the decoded initial portion of the data unit. As stated above, for the Action, *Dahlman*’s spreading factor estimate is recovered from the despreading of the control channel only. As such, and as admitted in the Action, *Dahlman* fails to teach or suggest each and every feature of Applicant’s claim 41.

Still further, *Dahlman* is silent with respect to calculation of received powers of the decoded initial portion of the control unit and the decoded initial portion of the data unit. The Action fails to cite any portion of *Dahlman* as teaching or suggesting such features as recited in Applicant’s claim 41. As such, for at least the above-identified reasons, *Dahlman* fails to teach or suggest each and every feature of the claim 41. Withdrawal of the rejection is respectfully requested.

Applicant’s claims 16-22, 26-32, 35-37, and 42, which depend from claim 41, are allowable over the art of record for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein. For example, the Action cites column 4, lines 1-5 of *Dahlman* as allegedly describing the features of Applicant’s claims 20 and 29-32. (Action, p. 6). However, *Dahlman* does not disclose or suggest making an estimate of a spreading factor, and does not disclose or suggest an estimate that “is calculated by matching a relationship between the received powers of the control unit and the data unit with a member of a set of known possible power relationships, wherein each member of the set corresponds to one of the spreading factors” as recited in dependent claims 20 and 29-32.

Further, dependent claim 35 recites, “wherein the estimate of the spreading factor used to transmit the data unit is different from the assumed spreading factor used to decode the initial portion of the data unit.” As alleged by the Action, “[t]he estimate of the spreading factor used to transmit the data will correspond to the estimated spreading factor used to decode the PDCH.” (Action, p. 5). However, even assuming, without admitting, that such a correspondence is accurate, the Action thereby admits that *Dahlman* does not teach or suggest the estimate of the spreading factor used to transmit the data unit being different from the assumed spreading factor

used to decode the initial portion of the data unit. As such, Applicant's claim 35 is at least allowable over *Dahlman* for this additional reason.

Applicant's independent claims 43, 45, and 47-48 include similar features as described above with respect to Applicant's claim 41. For at least similar reasons as Applicant's claim 41, Applicant's independent claims 43, 45, and 47-48 are allowable over the art of record. Withdrawal of the rejection is respectfully requested. Claims 44, 46, and 49-52, which depend from one of claims 43, 45, and 47-48, are fully supported by Applicant's original specification and figures and are allowable over the art of record.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3155.

Respectfully submitted,
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